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Portland, OR 97204

Attorneys for Debtor

UNITED STATES BANKRUPTCY COURT

DISTRICT OF OREGON

In re

C & K Market, Inc.,

Debtor.

Case No. 13-64561-fra11

**DEBTOR'S MOTION FOR ORDER  
TO REJECT LEASE (STORE #74-  
EUGENE)**

C & K Market, Inc., Debtor and Debtor-in-Possession herein ("Debtor"), hereby moves this Court pursuant to 11 U.S.C. § 365(a), for an order rejecting its non-residential lease for the premises located at 150 Oroyan Avenue, Eugene, Oregon 97404 (the "Premises"), and in support thereof states as follows:

1. On November 19, 2013 (the "Petition Date") Debtor filed its voluntary petition for relief under Chapter 11 of Title 11 of the United States Code.

1                   2.       Debtor has continued in possession of its property and is continuing to  
2 operate and manage its business as a debtor-in-possession pursuant to Sections 1107(a) and  
3 1108 of the Bankruptcy Code.

4                   3.       The Court has jurisdiction over this matter pursuant to 28 U.S.C.  
5 §§ 157 and 1334. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.  
6 This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

7                   4.       Debtor is the lessee under a commercial lease (the "Lease") for  
8 Debtor's retail store located at the Premises. G&M Rays, LLC is the landlord of the Lease  
9 (the "Landlord").

10                  5.       Debtor ceased operating the retail store and vacated the Premises on or  
11 about November 27, 2007.

12                  6.       Debtor desires to reject the Lease effective immediately because the  
13 Lease is burdensome to the estate and because Debtor no longer uses the Premises for  
14 business operations.

15                  For the foregoing reasons, Debtor believes it is in the best interest of the estate  
16 to reject the Lease.

17                  WHEREFORE, Debtor requests entry of an order rejecting Debtor's lease for  
18 the premises located at 150 Oroyan Avenue, Eugene, Oregon 97404, with such rejection  
19 effective as of the date of this motion. A proposed order is attached hereto as **Exhibit 1**.

20                  DATED this 21st day of November, 2013.

21                               TONKON TORP LLP

22                               By /s/ Ava L. Schoen

23                               Albert N. Kennedy, OSB No. 821429  
24                               Timothy J. Conway, OSB No. 851752  
25                               Michael W. Fletcher, OSB No. 010448  
26                               Ava L. Schoen, OSB No. 044072  
                                  Attorneys for Debtor

# **EXHIBIT 1**

## **PROPOSED FORM OF ORDER**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

C & K Market, Inc.,

Debtor.

Case No. 13-64561-fra11

**ORDER GRANTING DEBTOR'S  
MOTION TO REJECT LEASE  
(STORE #74-EUGENE)**

THIS MATTER having come before the Court upon Debtor's Motion for Order to Reject Lease (Store #74-Eugene) [Dkt. # \_\_\_\_] ("Motion"); the Court having reviewed the Motion; and the Court having found that (1) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (2) venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409, (3) this is a core proceeding pursuant to 28 U.S.C. § 157(b), and (4) notice of the Motion was sufficient under the circumstances; and after due deliberation the Court having determined that the relief requested in the Motion is in the best interests of Debtor, its estate and the creditors; and good and sufficient cause having been shown:

IT IS HEREBY ORDERED that Debtor's lease for the premises located at 150 Oroyan Avenue, Eugene, Oregon 97404 is rejected effective as of November 21, 2013.

# # #

**Page 1 of 2 - ORDER GRANTING DEBTOR'S MOTION TO REJECT LEASE  
(STORE #74-EUGENE)**

I certify that I have complied with the requirements of LBR 9021-1(a)(2)(A).

Presented by:

TONKON TORP LLP

By \_\_\_\_\_  
Albert N. Kennedy, OSB No. 821429  
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Michael W. Fletcher, OSB No. 010448  
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Attorneys for Debtor

cc: List of Interested Parties

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing **MOTION FOR ORDER TO REJECT LEASE (STORE #74-EUGENE)** on the parties indicated as "ECF" on the attached List of Interested Parties by electronic means through the Court's Case Management/Electronic Case File system on the date set forth below.

In addition, I served the foregoing on the parties indicated as "Non-ECF" on the attached List of Interested Parties by mailing a copy thereof in a sealed, first-class postage prepaid envelope, addressed to each party's last-known address and depositing in the U.S. mail at Portland, Oregon on the date set forth below.

DATED this 21st day of November, 2013

TONKON TORP LLP

By /s/ Ava L. Schoen

Albert N. Kennedy, OSB No. 821429  
Timothy J. Conway, OSB No. 851752  
Michael W. Fletcher, OSB No. 010448  
Ava L. Schoen, OSB No. 044072  
Attorneys for Debtor

**LIST OF INTERESTED PARTIES**

***In re C & K Market, Inc.***  
**U.S. Bankruptcy Court Case No. 13-64561-fra11**

**ECF PARTICIPANTS**

- RICHARD T ANDERSON rick@andersonmonson.com, lisa@andersonmonson.com
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- BRADLEY S COPELAND bcopeland@agsprp.com, bdavis@agsprp.com
- MICHAEL W FLETCHER michael.fletcher@tonkon.com, leslie.hurd@tonkon.com;andy.haro@tonkon.com
- DAVID A FORAKER david.foraker@greenemarkley.com, joyce.chartrand@greenemarkley.com
- THOMAS A HUNTSBERGER tom@tahpc.com
- GREGG D JOHNSON gdj@aterwynne.com, jmh@aterwynne.com
- ROBERT B KAPLAN rbk@jmbm.com
- ALBERT N KENNEDY al.kennedy@tonkon.com, leslie.hurd@tonkon.com;andy.haro@tonkon.com
- JEFFREY C MISLEY jeffm@sussmanshank.com, ecf.jeffrey.misley@sussmanshank.com
- WILSON C MUHLHEIM scooke@luvaascobb.com
- TERESA H PEARSON teresa.pearson@millernash.com, lisa.conrad@millernash.com;brenda.hale@millernash.com
- DAVID L POLLACK pollack@ballardspahr.com
- AVA L SCHOEN ava.schoen@tonkon.com, larissa.stec@tonkon.com
- US Trustee, Eugene USTPRegion18.EG.ECF@usdoj.gov
- DAVID P WEINER david.weiner@greenemarkley.com

**NON-ECF PARTICIPANTS**

**SECURED CREDITORS**

Banc of America  
Leasing & Capital LLC  
2059 Northlake Parkway 4 South  
Tucker, GA 30084

Dell Financial Services LLC  
Mail Stop-PS2DF-23  
One Dell Way  
Round Rock, TX 78682

James D. Gillespie  
28274 S. Fork Rd.  
Dayville, OR 97825

Greatway Center Property LLC  
8816 E. Evans Creeks  
Rogue River, OR 97537

Green & Frahm  
941 Delsie Dr.  
Grants Pass, OR 97527

Komlofske Corp.  
1535 E. 3rd St.  
Prineville, OR 97754

Ken and Lynda Martin  
80380 Torreon Way  
La Quinta, CA 92253

Protective Life  
2801 Highway 280 South  
Birmingham, AL 35202

**TOP 20 UNSECURED CREDITORS**

Western Boxed Meat Inc.  
2401 NE Argyle St.  
Portland, OR 97211

Umpqua Dairy Products  
333 SE Sykes  
Roseburg, OR 97470

Umpqua Dairy Products  
c/o Dan W. Clark  
Dole, Colewell, Clark, et al  
POB 1205  
Roseburg, OR 97470

Bigfoot Beverages  
86776 McVay Hwy.  
Eugene, OR 97405

Core-Mark Intl  
395 Oyster Point Blvd., #415  
So. San Francisco, CA 94080

VPD IV Inc.  
6051 S Watt Ave.  
Sacramento, CA 95829

J B Hunt  
File #98545  
615 J.B. Hunt Corporate Dr.  
Lowell, AR 97245

Komlofske Corp.  
1535 E. 3rd St.  
Prineville, OR 97754

Tarks, Inc.  
3752 Colver Rd.  
Phoenix, OR 97535

Willamina Foods, LLC  
8630 SW Scholls Ferry Rd.  
Beaverton, OR 97008

Marc and Charlotte Gould  
5494 Goodrich Hwy.  
Oakland, OR 97462

Marc and Charlotte Gould  
c/o Raymond M. Ramsay  
Ramsay & Stein PC  
4285 Commercial St SE #140  
Salem, OR 97302

S and J Reed, Inc.  
c/o Steve Reed  
2100 Pine Gate Way  
White City, OR 97503

Nor-Cal Produce Inc.  
2995 Oates St.  
West Sacramento, CA 95691

The News Group  
3995 70th Ave. E #B  
Fife, WA 98424-1126

Pacific Power & Light Co.  
1033 NE 6th Ave.  
Portland, OR 95256-9199

Coca Cola Bottling Company  
15333 SW Sequoia Pkwy.  
Portland, OR 97224

Reser's Fine Foods Inc.  
15570 SW Jenkins Rd.  
Beaverton, OR 97006

**LANDLORD – STORE #74**

G&M Properties LLC  
64420 Old Bend Redmond Hwy.  
Bend, OR 97701